



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF JUNE, 2025

BEFORE

THE HON'BLE MR JUSTICE SACHIN SHANKAR MAGADUM

REGULAR FIRST APPEAL NO. 1353 OF 2025

BETWEEN:

1. M/S TULASI HOSPITALITY SERVICES
REPRESENTED BY ITS MANAGING PARTNER
SRI.TULASI SRINIVAS
S/O LATE.T.G.RAMA RAO
H.NO. 17-104, KAMALANAGAR
DILSUKHNAGAR, HYDERABAD - 500060.

AND ALSO AT NO.538, 'B' BLOCK
60 FEET MAIN ROAD
AECS LAYOUT, BROOKEFIELDS
OFF ITPL MAIN ROAD, BENGALURU-560037.

2. SRI. TULASI SINIVAS
AGED ABOUT 56 YEARS
SO LATE T.G.RAMA RAO
MANAGING PARTNER
M/S TULASI HOSPITALITY SEVICES
H.NO 17-104, KAMALANAGAR
DILKUSHNAGAR, HYDERABAD - 5600060.

AND ALSO AT 538, 'B' BLOCK
60 FEET MAIN ROAD, AECS LAYOUT
BROOKEFIELDS, OFF ITPL MAIN ROAD
BENGALURU - 560037.

...APPELLANTS

(BY SRI. DHANANJAYA .C.M, ADVOCATE)





AND:

SRI. NAGANNA ASHOK KUMAR
AGED ABOUT 67 YEARS
S/O LATE K.M. NAGANNA
R/O BLK C1-1904, L AND T SOUTH CITY
OFF BANNERGHATTA ROAD
ARKERE MICO LAYOUT
JP NAGAR, 7TH PHASE
BENGALURU-560076.

PRESENTLY RESIDING AT
5 ELIAS GREEN, 12-04
SINGAPORE-59961.

REPRESENTED BY HIS SPA HOLDER

SRI. N.G.CHANNABASAVIAIAH
AGED ABOUT 60 YEARS
S/O LATE. N.GANGADHARAIHAH
RESIDING AT 526,
CHOWDESHWARI NILAYA
OPPOSITE SHIVAKRUPA PROVISION STORE
RAMAMANDIRA ROAD, SAHAKARNAGAR POST
KODIGEHALI, BENGALURU-560092.

...RESPONDENT

THIS RFA IS FILED UNDER SECTION 96 OF CPC,
AGAINST THE JUDGMENT AND DECREE DATED 31.01.2025
PASSED IN COM.O.S.NO.1616/2022 ON THE FILE OF THE
LXXXIX ADDITIONAL CITY CIVIL AND SESSIONS JUDGE,
BANGALORE, PARTLY DECREETING THE SUIT FOR EVICTION.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:



CORAM: HON'BLE MR JUSTICE SACHIN SHANKAR MAGADUM

ORAL JUDGMENT

The captioned appeal is filed challenging the judgment and decree dated 31.01.2025 passed by the Commercial Court in Com O.S. No.1616/2022.

2. The Office has raised an objection regarding the maintainability of the present appeal, pointing out that in terms of Section 13 of the Commercial Courts Act, 2015, an appeal from a judgment and decree of the Commercial Court lies before the Division Bench and not before this Court.

3. Upon examination, the objection raised by the Registry is found to be valid and is accordingly upheld. However, in the interest of justice, the appellants are permitted to convert this appeal into a Commercial Appeal under Section 13 of the Commercial Courts Act, 2015, in accordance with law.



4. For statistical purposes, this appeal stands disposed of.

The Registry is directed to take steps to facilitate the conversion of this appeal into a Commercial Appeal and place it appropriately before the Division Bench.

**Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE**